

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 23, 1946

11:00 A. M.

Council Chamber, City Hall

The Meeting was called to order, with Mayor Miller presiding.

Roll Call:

Present: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Absent: Councilman Alford

Present also: Guiton Morgan, City Manager; Trueman O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police

Pursuant to public notice given in the local newspaper, the proposal of the City Council to amend the Zoning Ordinance in the following particulars came up for public hearing:

To amend the USE designation of the following described property so as to change the same from "A" Residence to "C" Commercial District, to-wit:

Lot 8, Block 4, Outlot 45, Division B, C. R.
Johns Subdivision, being located at 1911 Salina
Street, Austin, Travis County, Texas.

Two property owners in this neighborhood appeared to protest this change. There was no one present to represent the applicant and make an appeal for this change.

Councilman Wolf moved that the recommendation of the Zoning Board of Adjustment be sustained and the change be NOT granted. The motion was seconded and prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager, be and he is hereby authorized to convey to the Travis County Association for the Blind, a Texas corporation, by general warranty deed the north 74' x approximately 72.5' of Lots 6 and 7, Block 3, Elizabeth Patterson Addition, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, according to a

map or plat of said Elizabeth Patterson Addition of record in Book 1, page 95, of the Plat Records of Travis County, Texas, said conveyance to be for the sum of Two Thousand One Hundred (\$2,100.00) Dollars.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

Councilman Wolf introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE PORTION OF STATE HIGHWAY NO. 29, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, HEREINAFTER REFERRED TO AS THE "STREET PROJECT" AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE AND THE CITY SECRETARY TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE AND USE OF SAID STREET PROJECT; FOR THE PAYMENT, BY THE STATE OF TEXAS, OF THE CONSTRUCTION COSTS OF SAID STREET PROJECT; FOR THE ASSUMPTION, BY THE CITY, OF ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY AND BUSINESS AND TO TENANT OR OCCUPANT THEREOF; FOR THE PROTECTION OF THE STATE OF TEXAS AGAINST ALL SUCH DAMAGES AND EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to the second reading. The motion carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to the third reading. The motion carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

The ordinance was read the third time and Councilman Wolf moved that the rule be suspended and the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

There upon Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 3rd day of November, 1944, the City of Austin agreed by contract to sell to Dave Green and his wife, Sallie Mae Green, the hereinafter described property for the sum of THREE HUNDRED FIFTY DOLLARS (\$350.00), payable in installments, together with six per cent (6%) per annum interest on all deferred payments, and such consideration has now been fully paid, NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized to execute on behalf of the City a deed conveying to the said Dave Green and Sallie Mae Green all of the City's right and interest in and to Lot 5, in Block D, in the J. E. Bouldin Subdivision in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Alford

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager, be and he is hereby authorized to purchase from C. H. Jung One Hundred Fourteen One-thousandths (0.114) of one acre of land in the George W. Spear League, being a strip of land twenty (20') feet in width, for the purpose of widening Hearn Street.

BE IT FURTHER RESOLVED, THAT the City Manager be authorized to pay for such land by paying for the construction of curbs and gutters and paving Hearn Street abutting the remaining property of C. H. Jung and by paying to the said C. H. Jung the sum of One Thousand Five Hundred (\$1,500.00) Dollars cash from funds of the City.

BE IT FURTHER RESOLVED, THAT the sum of One Thousand Five Hundred (\$1,500.00) Dollars be and the sum is hereby appropriated out of the General Fund not otherwise appropriated to pay the cash consideration due upon the delivery of a deed from the said C. H. Jung.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Alford

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager, be and he is hereby authorized to purchase from Mrs. Herman Hillmer, for the sum of TWO THOUSAND DOLLARS (\$2,000.00), the East 27.25 feet of Lot 8, Block 2, Patterson Addition to the City of Austin, according to plat of such addition of record in Book 1, Page 95 of the Plat Records of Travis County, Texas.

BE IT FURTHER RESOLVED that the sum of Two Thousand Dollars (\$2,000.00) be, and the same is hereby, appropriated out of the General Fund not otherwise appropriated to pay for such property, and that upon conveyance of good title to the above described property, with right retained by the present owners to remove all improvements now located thereon, such consideration may be paid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Alford

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

1. A gas main in BREEZE TERRACE from Manor Road to East 32nd Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Breeze Terrace.

Said gas main described above shall have a cover of not less than 2.5 feet.

2. A gas main in WILSHIRE BOULEVARD from Lullwood Road to Wilshire Parkway, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said Wilshire Boulevard.

Said gas main described above shall have a cover of not less than 2.5 feet.

3. A gas main in WILSHIRE PARKWAY from Wilshire Boulevard northerly 357 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Wilshire Parkway.

Said gas main described above shall have a cover of not less than 2.5 feet.

4. A gas main in WILSHIRE BOULEVARD from Crestwood Road Alley westerly 388 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north line of said Wilshire Boulevard.

Said gas main described above shall have a cover of not less than 2.5 feet.

5. A gas main in CRESTWOOD ROAD from Wilshire Boulevard westerly 616 feet, the centerline of which gas main shall be 5.5 feet north of and parallel to the south property line of said Crestwood Road.

Said gas main described above shall have a cover of not less than 2.5 feet.

6. A gas main in PARKWOOD ROAD from Crestwood Road Alley southerly 295 feet, the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of said Parkwood Road.

Said gas main described above shall have a cover of not less than 2.5 feet.

7. A gas main in CRESTWOOD ROAD from Parkwood Road westerly 259 feet, the centerline of which gas main shall be 5.5 feet north of and parallel to the south property line of said Crestwood Road.

Said gas main described above shall have a cover of not less than 2.5 feet.

8. A gas main in SINCLAIR AVENUE from a point 68 feet south of West 41st street southerly 144 feet, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said Sinclair Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

9. A gas main in ETHEL STREET from Treadwell Street northerly 144 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Ethel Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

10. A gas main in AVENUE F, from a point 193 feet north of East 49th Street northerly 80 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west property line of said Avenue F.

Said gas main described above shall have a cover of not less than 2.5 feet.

11. A gas main in PERDENALES STREET from a point 90 feet south of East 5th Street northerly to East 6th Street, the center-

line of which gas main shall be 7.5 feet west of and parallel to the east property line of said Perdenales Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

12. A gas main in EAST SIXTH STREET from Perdenales Street easterly 525 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 6th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

13. A gas main in WEST THIRTY-FOURTH STREET from Bryker Drive easterly 43 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 34th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

14. A gas main in WEST THIRTY-SEVENTH STREET from a point 262 feet east of San Gabriel Street easterly 84 feet, the centerline of which gas main shall be 16 feet south of and parallel to the north property line of said West 37th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

15. A gas main in RAMSEY AVENUE from a point 14 feet north of West 41st Street southerly 128 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Ramsey Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

16. A gas main in SABINE STREET from a point 126 feet south of East 23-1/2 Street southerly 82 feet, the centerline of which gas main shall be 24 feet east of and parallel to the west property line of said Sabine Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

17. A gas main in ROWENA STREET from a point 39 feet south of East 50th Street southerly 132 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west property line of said Rowena Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

18. A gas main in HARMON AVENUE from a point 236 feet north of East 46th Street northerly 106 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Harmon Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

19. A gas main in CASWELL AVENUE from East 49th Street northerly 165 feet, the centerline of which gas main shall be 7.5 feet west of an parallel to the east property line of said Caswell Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

20. A gas main in MOHLE DRIVE from a point 383 feet west of Jefferson Street westerly 48 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Mohle Drive.

Said gas main described above shall have a cover of not less than 2.5 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground conduits in the following streets:

An underground telephone conduit in CONGRESS AVENUE ALLEY, from a point 80 feet north of West 2nd Street to West 3rd Street, the centerline of which conduit shall be 10 feet west of and parallel to the east property line of said CONGRESS AVENUE ALLEY.

THAT the work and construction of said underground telephone conduits, including excavation of the streets and the restoration and maintenance of said streets after underground conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

Councilman Wolf moved that the application of J. N. Crider to transfer the ownership of the Clover Cab Company, located at 7th and San Jacinto streets, to Ed Gahan be approved; the motion was duly seconded and prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted:

Alexander, Fred	816 Essex
Carlson, Fred	507 East 3rd street
Franklin, Troy	1107 East 6th street
Hays, Thomas Stigall	802 Willow
Meredith, Smith	Route 1, Box 509
Spiegelhauer, Herbert E.	509 West 18th street

Upon motion made and duly seconded, the same were approved by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

The application of R. K. Greeson, operating the Post Office Cafe at 503 Lavaca Street, for a permit to sell beer and wine, duly approved by the City Manager, was submitted. Councilman Wolf moved that the same be granted, and the same prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: Councilman Alford

The following applications for boat licenses were submitted:

Feagin, Nathan	443 Astor St., San Antonio, Texas
6-passenger Chris-Craft Inboard Runabout, 1941 model	
Niece, Joe B.	219 Bailey Ave., San Antonio, Texas
5-passenger Garwood Inboard, 1940 model	

Gramon, Jas. F.	918 East 48 $\frac{1}{2}$ street,	Austin
6-passenger Chris-Craft Inboard,	1932 model	
Keith, Geo. R.	1807 Brazos street	
6-passenger Century Outboard,	1943 model	
Swenson, Clarence W.	404 West 33rd street	
6-passenger Factory Built Inboard,	1940 model	

Upon motion made and duly seconded, the same were granted by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Alford

Mayor Miller submitted the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, The War Department of the United States is urgently in need of men trained and with experience in Military Government and occupational duties for service in foreign areas occupied by American forces; and

WHEREAS, the War Department has requested James A. Garrison, Director of Public Safety and Recreation for the City of Austin, to serve as Chief of Division of Reparations, Distribution, and Restitution of the Inter-Allies Control Commission for Austria, with headquarters in Vienna, Austria, for a minimum of one (1) year; and

WHEREAS, James A. Garrison is highly qualified, both by academic training and broad experience in this work, and the City Council is desirous of lending every assistance to the United States Government, in its present great task to win the peace, by surrendering key personnel if necessary to aid the Government's efforts; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT James A. Garrison, Director of Public Safety and Recreation for the City of Austin, be, and he is hereby granted leave of absence from his duties with the City for one (1) year plus travel time to and from Vienna, Austria, in order that he may serve as Chief of Division of Reparations, Distribution, and Restitution of the Inter-Allied Control Commission for Vienna, Austria, and upon completion of this foreign duty the said James A. Garrison may, at his option, return to the position of Director of Public Safety and Recreation for the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf
 Noes: None
 Absent: Councilman Alford

The Council authorized the City Manager to enter into an agreement with the subdividers in the City whereby the subdividers will put in an 8-inch base with 1 treatment of topping, but not curb and gutter, at their expense when the subdivision is put in, and then, at a later date, the City will go in and put on 2 treatments of topping, at the City's expense. This will be the City's policy for the present until conditions warrant different arrangements. The Mayor stated that this was being done in order to help with the housing situation caused by the very rapid growth of the city.

The Mayor instructed the City Manager and the Director of Public Works to work out a plan whereby another lane for traffic crossing the bridge at 1st and Congress could be provided. The Mayor said that if the City forces could not do the work right away, that a Contractor should be given the job, and if it was necessary to use a part of Lamar Park for this purpose to do so.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following names parties for the years and in the amounts set opposite the sum of each of them, viz:

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
Preston Parish	1942 and 1943	\$.99
W. L. Grant	1943 and 1944	15.73
Ellis Frieden	1944	4.85
Grace Roselle	1941	1.29
Hirsh Drug Store (5)	1942, 1943, 1944	351.21

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Tax Assessor and Collector of the City of Austin be and he is hereby authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller and Councilman Wolf

Noes: None

Absent: Councilman Alford

The Mayor then announced in open meeting that by unanimous agreement the City Council would recess its present session and resume its meeting at the home of Councilman C. F. Alford, who is convalescent at his home following an operation, in order to permit Councilman Alford to participate in the action of the Council in passing an ordinance authorizing the issuance of certain fire station bonds.

The Council thereupon recessed at 11:30 A. M.

The Council reassembled at 11:45 A. M., at the home of Councilman C. F. Alford, 2010 Speedway, in the City of Austin, Texas, with Mayor Tom Miller presiding.

Roll call showed the following members present: Councilman C. F. Alford, E. C. Bartholomew, Mayor Tom Miller and Councilman Oswald G. Wolf; absent, None.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF AUSTIN, TEXAS, TO THE AMOUNT OF \$336,000.00 FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING FIRE STATIONS OF THE CITY OF AUSTIN AND FOR ACQUIRING NECESSARY LANDS AND EQUIPMENT THEREFOR; PROVIDING FOR THE PAYMENT OF SAID BONDS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford and the same prevailed by the following vote:

Ayes: Councilman Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote:

Ayes: Councilman Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford and the same prevailed by the following vote:

Ayes: Councilman Alford, Bartholomew, Mayor Miller and Councilman Wolf
Noes: None
Absent: None

The Mayor then announced that the ordinance had been finally passed.

There being no further business, upon motion made by Councilman Alford and seconded by Councilman Wolf, the meeting was recessed, subject to the call of the Mayor, at 11:55 A. M.

APPROVED:

Tom Miller
Mayor

ATTEST:

Helene M. Allen

City Clerk